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Return-Path: <owner-east-timor@igc.org>
Date: Wed, 5 Aug 1998 10:49:26 +1000
From: "Geoff McKee" <gamckee@ozemail.com.au>
Reply-To: "Geoff McKee" <gamckee@ozemail.com.au>
Sender: owner-east-timor@igc.org
Subject: UN proposal
To: "reg.easttimor" <east-timor@igc.org>
X-MSMail-Priority: Normal

UN Proposal for 10th Secretary-General's Meeting on 4-5 August, 1998

1. Outlines of the arrangement

The Indonesian government will have competence over foreign relations, defence, currency, finance and legal.

The East Timor regional authority will exercise legislative, executive, and judicial powers in all areas except those designated as the responsibility of the government of Indonesia.

East Timor will have complete cultural autonomy, including in matters relating to education, language and the promotion of culture.

2. Respective areas of competence

A. The Indonesian Government

(i) Foreign Relations

Indonesian will have full responsibility for the foreign relations of East Timor. It will consult the East Timor regional administration on issues of particular relevance to East Timor. With the agreement of the Indonesian government, East Timor will take part, with a defined status, in international activities and forums having special relevance to it.

(ii) Defence

Indonesia will be responsible for the external defence of East Timor. The Indonesian armed forces will maintain a level of military presence in East Timor commensurate with their function of defending and safeguarding the external security of East Timor.
In exceptional circumstances, and at the request of the East Timor regional authority, the Indonesian armed forces will assist in [the maintenance of public order and] disaster relief.

(iii) Economy, currency and finance

Overall economic policy will be determined by the Indonesian government, with due consideration for the responsibility of the East Timor regional authority to develop and promote its economy. East Timor will be a part of the Indonesian monetary and customs unit,and therefore, subject to a unified monetary and fiscal policy of the Indonesian government.

(iv) Indonesian laws

The legislation of laws and regulations affecting the areas of Indonesian government competence will be the responsibility of the Indonesian government. The application and interpretation of these laws in East Timor will be the responsibility of the executive and judicial branches of the East Timor regional authority.

B. The East Timor regional authority

All matters outside the above-listed areas of Indonesian government competence will be the responsibility of the East Timor regional authority. Chief among these are the following:

(i) Legislative power

The East Timor regional authority will have the power to legislate laws in all areas except those designated as the responsibility of the Indonesian

government.
This power will be vested in a legislative assembly to be elected in East Timor on the basis of universal adult suffrage.
The assembly may not pass laws that alter the power-sharing arrangement outlined in this document.
The assembly will be consulted in promulgation of Indonesian national laws that may have relevance to the specific characteristics of East Timor.

(ii) Executive power, local administration

Executive power within East Timor will be exercised by the executive branch of the East Timor regional authority. The executive branch will be headed by a chief executive who will be [chosen through direct election] [elected by the East Timor legislative assembly] [elected by the East Timor legislative assembly and confirmed by the Indonesian Head of State].

The chief executive will designate the heads of administrative departments and agencies with the approval of the East Timor legislative assembly.

The administrative departments and agencies will be accountable to the chief executive.

The executive branch and its departments and agencies will have the authority to design, propose and implement policies in areas outside the competence of the Indonesian government. They will coordinate with respective Indonesian government organs with regard to the application in East Timor of laws, regulations and policies related to areas falling within the competence of the Indonesian government.

Policy-making positions and, and to the extent possible, civil service positions, will be held by native East Timorese.

(iii) Judicial power

East Timor will have an independent judiciary [including a court of final adjudication] [with the possibility of appeal to [superior courts [the supreme court] of Indonesia] with clearly defined jurisdictional limits.
The judiciary will be responsible for interpreting the laws and regulations of the East Timor regional authority as well as Indonesian laws as applied in East Timor.
The courts will have jurisdiction over civil, criminal, administrative, and labour cases.

(iv) Public order

The maintenance of law and order in East Timor will be the responsibility of the East Timor regional authority. For this purpose, it will have [an independent] [a regional] police force which will be responsible for the enforcement of the laws and regulations of the East Timor administration. The executive branch and its police force will closely consult and cooperate with the respective Indonesian authorities with respect to the enforcement of Indonesian laws in East Timor.

(v) Economy and finance

The East Timor regional authority will have responsibility, in keeping with Indonesian national economic policy and in consultation with the relevant Indonesian authorities, for planning developmental activities, seeking international funding and investment, and implementing projects. [Portugal will assume a special responsibility in assisting economic development in East Timor].
[The Secretary-General will facilitate, through the specialized agencies of the United Nations, the provision of development assistance for East Timor].
[The East Timor regional authority will exercise control over the exploitation of its natural resources] [The Indonesian government and the East Timor regional authority will exercise joint control over the exploitation of East Timor's natural resources, ensuring that the major share of the proceeds is utilized by East Timor].
The East Timor regional authority will have authority to levy local taxes.

(vi) Social Affairs

The East Timor regional authority will develop and implement a social policy in collaboration with community and religious leaders, in a manner broadly compatible with Indonesian national policy. A joint consultative council consisting of representatives of the Indonesian central government and the East Timor regional authority will regulate issues of migration and settlement between East Timor and Indonesian provinces.